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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,502	03/10/2005	Shinichi Handa	920_021	9949
25191	7590	10/10/2007		
BURR & BROWN PO BOX 7068 SYRACUSE, NY 13261-7068			EXAMINER WON, BUMSUK	
			ART UNIT	PAPER NUMBER
			2879	
			MAIL DATE	DELIVERY MODE
			10/10/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/527,502

Applicant(s)

HANDA ET AL

Examiner

Bumsuk Won

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 8-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 8-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

The amendment filed on 7/16/2007 has been entered.

***Response to Arguments***

Applicant's arguments with respect to claims 1, 3-6, and 8-21 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3-6, and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasunori (JP 2002-221911) which is a cited art in the IDS in view of Duggal (US 2003/0184219).**

**Regarding claim 1,** Yasunori discloses an EL element (figures 1 and 2) comprising: a first film substrate (1), an EL part (2), and a sealant layer (9), the EL part comprising a first electrode (3), an EL layer (4, 5, 6), and a second electrode (3), and being provided on a part (1a) of a surface of the first film substrate; the sealant layer (9) being provided to cover the EL part and to cover an EL part-free part (1 except 1a) of the surface of the first film substrate in such a manner that the sealant layer covering the EL part is contiguous with the sealant layer covering the EL part-free part of the surface of the first film substrate (figures 1 and 2).

Yasunori does not disclose a barrier layer having at least one of gas barrier properties and water vapor properties being provided between the first film substrate and the EL part.

Duggal discloses an OLED (figure 1) having a barrier layer (50) with a water vapor barrier property being provided between the first film substrate and the EL part (paragraph 40), for the purpose of reducing the diffusion of water vapor (paragraph 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a barrier layer with a water vapor barrier property being provided between the first film substrate and the EL part as disclosed by Duggal in the OLED disclosed by Yasunori, for the purpose of reducing the diffusion of water vapor.

**Regarding claim 3**, Yasunori in view of Duggal does not specifically disclose the dimension of the first film substrate and the whole EL element. However, one of ordinary skill in the art would have been led to the recited dimensions through routine experimentation and optimization. Applicant has not disclosed that the dimensions are for a particular unobvious purpose, produce an unexpected result, or are otherwise critical, and it appears prima facie that the process would possess utility using another dimension. Indeed, it has been held that mere dimensional limitations are prima facie obvious absent a disclosure that the limitations are for a particular unobvious purpose, produce an unexpected result, or are otherwise critical.

**Regarding claim 4**, Yasunori discloses the first film substrate is transparent (paragraph 34).

**Regarding claim 5**, Yasunori discloses an insulating layer pattern (8) between the EL layer (4, 5, 6) and the second electrode (3).

**Regarding claim 6**, Yasunori discloses an EL element (figures 1 and 2) comprising: a first film substrate (1), an EL part (2), and a sealant layer (9, 13), the EL part comprising a first electrode (3), an EL layer (4, 5, 6), and a second electrode (3), and being provided on a part (1a) of a surface of the first film substrate; the sealant layer (9) being provided to cover the EL part and to cover an EL part-free part (1 except 1a) of the surface of the first film substrate in such a manner that the sealant layer covering the EL part is contiguous with the sealant layer covering the EL part-free part of the surface of the first film substrate (figures 1 and 2), a second film substrate (104) being provided on the sealant layer (13).

Yasunori does not disclose a barrier layer having at least one of gas barrier properties and water vapor properties being provided between the first film substrate and the EL part.

Duggal discloses an OELD (figure 1) having a barrier layer (50) with a water vapor barrier property being provided between the first film substrate and the EL part (paragraph 40), for the purpose of reducing the diffusion of water vapor (paragraph 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a barrier layer with a water vapor barrier property being provided between the first film substrate and the EL part as disclosed by Duggal in the OELD disclosed by Yasunori, for the purpose of reducing the diffusion of water vapor.

**Regarding claim 8**, Yasunori in view of Duggal does not specifically disclose the dimension of the first film substrate and the whole EL element. However, one of ordinary skill in the art would have been led to the recited dimensions through routine experimentation and optimization. Applicant has not disclosed that the dimensions are for a particular unobvious purpose, produce an unexpected result, or are otherwise critical, and it appears prima facie that

Art Unit: 2879

the process would possess utility using another dimension. Indeed, it has been held that mere dimensional limitations are prima facie obvious absent a disclosure that the limitations are for a particular unobvious purpose, produce an unexpected result, or are otherwise critical.

**Regarding claim 9**, Yasunori discloses the first film substrate is transparent (paragraph 34).

**Regarding claim 10**, Yasunori discloses an insulating layer pattern (8) between the EL layer (4, 5, 6) and the second electrode (3).

**Regarding claim 11**, Yasunori discloses the whole EL element is transparent (paragraphs 30-37).

**Claims 12-15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasunori in view of Bellmann (US 2003/0124265).**

**Regarding claim 12**, Yasunori discloses an EL element (figures 1 and 2) comprising: a first film substrate (1), an EL part (2), and a sealant layer (9), the EL part comprising a first electrode (3), an EL layer (4, 5, 6), and a second electrode (3), and being provided on a part (1a) of a surface of the first film substrate; the sealant layer (9) being provided to cover the EL part and to cover an EL part-free part (1 except 1a) of the surface of the first film substrate in such a manner that the sealant layer covering the EL part is contiguous with the sealant layer covering the EL part-free part of the surface of the first film substrate (figures 1 and 2), the EL element being located on such a side that upon energization of any one of the first film substrate side and the sealant layer side, fluorescent emission is viewable (paragraph 34), a light transparent layer (8) being formed on the fluorescent emission viewable side (bottom).

Yasunori does not disclose the light transparent layer is a pattern layer.

Bellmann discloses an EL element having a light transparent pattern layer (paragraph 87), for the purpose of enhancing contrast.

The examiner notes that the claim limitation of the EL element being located on such a side that upon energization of any one of the first film substrate side and the sealant layer side, fluorescent emission is viewable is drawn to a functional claim limitation which is incidental to the claimed apparatus. It is well established that a claimed apparatus cannot be distinguished over the prior art by a functional limitation. Consequently, absent a showing of an unobvious difference between the claimed product and the prior art, the subject functional claim limitation is not afforded patentable weight (MPEP 2114).

It would have been obvious to one of ordinary skill in the art at the time the invention was made having a light transparent pattern layer as disclosed by Bellmann in the element as disclosed by Yasunori, for the purpose of enhancing contrast.

**Regarding claim 13**, Yasunori discloses the light transparent pattern layer (8) comprises openings (between 8) using a light shielding sheet as a substrate (1).

**Regarding claim 14**, the examiner notes that the claim limitation of a design layer being formed by printing is drawn to a process of manufacturing which is incidental to the claimed apparatus. It is well established that a claimed apparatus cannot be distinguished over the prior art by a process limitation. Consequently, absent a showing of an unobvious difference between the claimed product and the prior art, the subject product-by-process claim limitation is not afforded patentable weight (MPEP 2113).

**Regarding claim 15**, Yasunori discloses a design layer (8) is formed of a transparent film substrate (insulator layer, paragraph 41) different from the film substrate (1) constituting the EL element (2).

**Regarding claim 17**, Yasunori discloses an EL element (figures 1 and 2) comprising: a first film substrate (1), an EL part (2), and a sealant layer (9), the EL part comprising a first electrode (3), an EL layer (4, 5, 6), and a second electrode (3), and being provided on a part (1a) of a surface of the first film substrate; the sealant layer (9) being provided to cover the EL part and to cover an EL part-free part (1 except 1a) of the surface of the first film substrate in such a manner that the sealant layer covering the EL part is contiguous with the sealant layer covering the EL part-free part of the surface of the first film substrate (figures 1 and 2), a second film substrate (104) being provided on the sealant layer (13), the EL element being located on such a side that upon energization of any one of the first film substrate side and the sealant layer side, fluorescent emission is viewable (paragraph 34), a light transparent pattern layer (8) being formed on the fluorescent emission viewable side (bottom).

Yasunori does not disclose the light transparent layer is a pattern layer.

Bellmann discloses an EL element having a light transparent pattern layer (paragraph 87), for the purpose of enhancing contrast.

The examiner notes that the claim limitation of the EL element being located on such a side that upon energization of any one of the first film substrate side and the sealant layer side, fluorescent emission is viewable is drawn to a functional claim limitation which is incidental to the claimed apparatus. It is well established that a claimed apparatus cannot be distinguished over the prior art by a functional limitation. Consequently, absent a showing of an unobvious



Art Unit: 2879

difference between the claimed product and the prior art, the subject functional claim limitation is not afforded patentable weight (MPEP 2114).

It would have been obvious to one of ordinary skill in the art at the time the invention was made having a light transparent pattern layer as disclosed by Bellmann in the element as disclosed by Yasunori, for the purpose of enhancing contrast.

**Regarding claim 18**, Yasunori discloses the light transparent pattern layer (8) comprises openings (between 8) using a light shielding sheet as a substrate (1).

**Regarding claim 19**, the examiner notes that the claim limitation of a design layer being formed by printing is drawn to a process of manufacturing which is incidental to the claimed apparatus. It is well established that a claimed apparatus cannot be distinguished over the prior art by a process limitation. Consequently, absent a showing of an unobvious difference between the claimed product and the prior art, the subject product-by-process claim limitation is not afforded patentable weight (MPEP 2113).

**Regarding claim 20**, Yasunori discloses a design layer (8) is formed of a transparent film substrate (insulator layer, paragraph 41) different from the film substrate (1) constituting the EL element (2).

**Claims 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasunori in view of Bellmann, in further view of Duggal.**

**Regarding claim 16**, Yasunori in view of Bellmann discloses all the claim limitation except for a barrier layer having at least one of gas barrier properties and water vapor properties being provided between the first film substrate and the EL part.

Art Unit: 2879

Duggal discloses an OELD (figure 1) having a barrier layer (50) with a water vapor barrier property being provided between the first film substrate and the EL part (paragraph 40), for the purpose of reducing the diffusion of water vapor (paragraph 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a barrier layer with a water vapor barrier property being provided between the first film substrate and the EL part as disclosed by Duggal in the OELD disclosed by Yasunori in view of Bellmann, for the purpose of reducing the diffusion of water vapor.

**Regarding claim 21,** Yasunori in view of Bellmann discloses all the claim limitation except for a barrier layer having at least one of gas barrier properties and water vapor properties being provided between the first film substrate and the EL part.

Duggal discloses an OELD (figure 1) having a barrier layer (50) with a water vapor barrier property being provided between the first film substrate and the EL part (paragraph 40), for the purpose of reducing the diffusion of water vapor (paragraph 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a barrier layer with a water vapor barrier property being provided between the first film substrate and the EL part as disclosed by Duggal in the OELD disclosed by Yasunori in view of Bellmann, for the purpose of reducing the diffusion of water vapor.

#### ***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bumsuk Won whose telephone number is 571-272-2713. The examiner can normally be reached on Monday through Friday, 8:00 am to 5:00 pm.

Art Unit: 2879

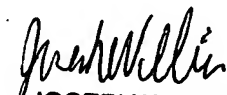
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



/Bumsuk Won/

Patent Examiner, Art Unit 2879



**JOSEPH WILLIAMS**  
**PRIMARY EXAMINER**